

REMARKS

Claim Objections

The Examiner has objected to Claim 6 under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 6 has been cancelled.

The Examiner has objected to Claim 18 under 37 C.F.R. § 1.75(c), for being an improper dependent claim. Claim 18 is written as an independent form; however, it refers to another set of claims (claim 1 or claim 17).

Claim 18 has been rewritten in independent form to incorporate the full subject matter of claim 1.

New Claim 19 has been added and is written in independent form to incorporate the full subject matter of claims 17 and 18.

The following explanation is submitted for the Examiner's information with regard to the amendments as made above to Claim 1.

The addition in term c of claim 1, i.e., requiring the test subject to verbally or otherwise positively identify is based in the disclosure page 5, paragraph 2, which explains that the test subject responds verbally and goes on to discuss that the test subject alternatively can respond physically, e.g., by pressing appropriate hand or foot operated switches or levers, i.e., another positive form of identification.

The amendment to the last part of item c of claim 1, i.e., without altering said steering of said controllable symbol, etc. is based in the general description of the dual test starting at the top of page 6 of the disclosure. This describes how (paragraph 2) the

test subject tries simultaneously to control the arrow to keep it on the curve while scanning the whole screen to observe the symbols and to report their orientation correctly. This is specifically described as a dual task test, i.e., at no time is the test subject required to modify the control of the arrow in response to what the test subject observes in the symbols scattered across the screen. We submit that the very fact that the task is specifically described as a dual test makes it clear that this is not a single task where the first task is modified by additional symbols appearing, but two separate tasks which have to be dealt with separately by the test subject.

Claim Rejections - 35 U.S.C. § 103

Claims 1-4, 6, 10-11 and 14-18 have been rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Mott et al. (U.S. Pat. No. 5,269,687) in view of Copperman (U.S. Pat. No. 5,660,547) and, further in view of Adams (U.S. Pat. No. 5,31,848).

The enclosed Affidavit by Professor Richard Jones (one of the inventors) discusses all three citations in detail and is incorporated herein by reference.

In addition, we wish to point out to the Examiner that Mott and Copperman both related to driving simulators, primarily for driver training or for amusement. In both Mott and Copperman, the scenarios are intended to be realistic:- the person using the system (i.e., the "driver") guides the "vehicle" around a selected route.

The Examiner asserts that Mott presents on the screen a plurality of symbols scattered over the screen. Mott in fact presents symbols on the screen (as does Copperman) but in both cases these are symbols associated with the track which has been selected and which is being driven, e.g., country road / race track / city road, and the symbols are not flashed on the screen but are permanently displayed. Further, the symbols are displayed for the purpose of the driver reacting to those symbols, e.g., stopping if a stop sign is displayed, taking evasive action in the case of hazards displayed and so on. This is the key difference between the Mott/Copperman type of systems and the present invention:- in the present invention, the object is to require the

user of the system (the test subject in the present invention) to dual task, i.e., the test subject is required to give a pre-selected type of response to symbols displayed on the screen, but these symbols are displayed as random scattered images and are not integrated in any logical way with the route being steered. Further, and very importantly, there is no suggestion in the present invention that the test subject has to alter the tracking part of the test in response to any of the symbols displayed:- the idea is to see whether the test subject can dual task, not whether the test subject can adapt the subject's "driving" in response to the meaning of the symbols.

This feature has been emphasized in amended Claim 1.

Adams discloses flashing randomly arranged, widely scattered symbols onto the screen for short periods, but makes no disclosure of any sort of dual task test or of any sort of random tracking test. The Examiner argues that it would be obvious to combine Adams with Mott, but does not really explain why he reaches this conclusion:- with Mott and Copperman, you have logically presented realistic driver training scenarios. Why would anyone want to add to this randomly occurring symbols which in no way fit in to a realistic scenario? What would be the object of such a combined system? Indeed, such a modification of either Mott or Copperman would seem to be completely contrary to the objects of those inventions since they would make the realistic scenarios completely unrealistic - it is difficult to understand how such a modification would actually achieve any useful object at all. It is important to note that the stated object of Adams is not to test the ability to dual task but to test the subject reaction time in response to a display of a possibly threatening symbol. There is nothing in Mott that relates in any way to the ability to dual task and even if the system of Mott was combined with the system of Adams, the result would not be the system of the present invention :- rather, it would be a driving simulator scenario of a realistic type, intermittently interrupted by randomly displayed symbols which might or might not require a rapid response, but which are not displayed in any realistic way, i.e., they are not part of the overall scenario of Mott or Copperman and this combined system would presumably measure reaction time to danger only.

Accordingly, Claim 1 is urged to distinguish in novelty over the cited prior art.

Claims 2-5, 7-11 and and 13-17, being dependent from claim 1, are urged to be allowable therewith.

Independent Claim 18 has been amended to include the full subject matter of Claim 1; wherefore, it is urged to also be allowable.

Independent Claim 19 recites Claim 18 plus Claim 17 and thus includes the elements of claim 1 so as to be allowable therewith.

Favorable consideration and passage to allowance are respectfully solicited.

Please charge our Deposit Account No. 13-0235 for the fees associated with the accompanying One Month Extension of Time. It is believed that no additional fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any additional fees are owed.

Respectfully submitted,

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